

KRISTA HART
Attorney at Law
State Bar #199650
428 J Street, Suite 350
Sacramento, California 95814
Telephone: (916) 731-8811

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr.S. 04-0104
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED] ORDER
v.)	RESETTING THE BRIEFING SCHEDULE
)	AND THE HEARING DATE
)	
MARK ERCKERT)	Hon. David F. Levi
)	
Defendants.)	
)	

The defendant, Mark Erckert, by and through counsel, Krista Hart, and plaintiff United States, by and through counsel Phil Ferrari, hereby stipulate and agree that the briefing schedule currently set be reset as follows:

Motions and briefs due: December 29, 2005

Opposition briefs due: January 12, 2006

Reply briefs due: January 19, 2006

Hearing date: January 26, 2006

It is further stipulated and agreed between the parties that the period from December 15, 2005, and December 29, 2005, should be excluded in computing the time within which the trial of the above

1 criminal prosecution must commence for purposes of the Speedy Trial
2 Act. All parties stipulate and agree that this is an appropriate
3 exclusion of time within the meaning of Title 18, United States Code,
4 sections 3161(h)(8)(B)(ii) (Local Code T2), and 3161(h)(8)(B)(iv)
5 (Local Code T4).

6 Defense counsel is currently in trial in California Superior
7 Court, County of Sacramento, Department 30, case number 05F02818,
8 People v. Davis. Defense Counsel has not had time to prepare the
9 motions.

10 Respectfully submitted,

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12 DATED: December 14, 2005

/s/ Krista Hart
Krista Hart
Attorney for Defendant
Mark Erckert

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15 DATED: December 14, 2005

McGREGOR SCOTT
United States Attorney

/s/ Phil Ferrari
Assistant U.S. Attorney
(signed by Krista Hart per
telephone conversation)

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20 **O R D E R**

21 **FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.**

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23 DATED: 12/21/2005

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27 DAVID F. LEVI
United States District Judge

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